

Guidance and Procedures for the Nonpoint Source Pollution Abatement Grant Programs

I. Affected Grant Programs (CHECK ALL THAT APPLY):

☐ Priority Watershed ☒ Targeted Runoff Mgmt. ☒ Urban Nonpoint Source & Storm Water Mgmt.

II. Title: Environmental Hazards Assessment (EHA) Process

III. Effective Date: April 20, 2006

IV. Background: This guidance will assist DNR staff and project sponsors (governmental units) when making decisions about the suitability of a property and construction project for a Targeted Runoff Management (TRM) or Urban Nonpoint Source & Storm Water Management (UNPS&SW) grant.

Beginning in calendar year 2005, applicants requesting grant funding through the TRM or UNPS&SW-Construction grant programs -- where a construction project involves earth excavation -- are required to complete and submit an Environmental Hazards Assessment (DNR Form 1800-001) before they will receive a grant agreement. The form is available at the Department's Website at: <http://dnr.wi.gov/org/water/wm/nps/grants/npsprogram.html#implement>. Submission of this form is the Department's way to ensure that grant funds are not used for projects on contaminated properties. The Department considers verification of the lack of soil contamination or potential contamination as a necessary part of processing a grant application.

Sections NR 153.17(2)(a)7 and NR 155.17(2)(a)7, Wis. Adm. Code, state that the Department may require: "other information that the department determines necessary to process the [grant] application."

V. Environmental Hazards Assessment Forms and the Nonpoint Grant Process

Parties wishing to apply for a TRM or UNPS&SW-Construction grant are encouraged to discuss the potential project and site with their regional Nonpoint Source Coordinator (NPS Coordinator) prior to submittal of the grant application. Since grant application forms are posted on the DNR website in mid-January of each year, discussions should, at least, begin at this time. Applicants are also encouraged to consult the Department's contaminated sites databases which may be found on-line at <http://dnr.wi.gov/org/aw/rr/brrts/databases.htm>.

Applications must be postmarked by April 15th of each year to be considered for funding. After the Department determines that all eligibility requirements have been met, applications are scored and ranked. Offers of financial assistance are then made to sponsors of the highest ranked applications until funds are exhausted. See table below for the rest of the process.

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### EHA Action Steps for Both Contaminated and Uncontaminated Sites

| Step | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Responsible Party                                 |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 1    | Sends EHA form to Project Sponsor with written offer of financial assistance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Runoff Management Section (RMS) Grant Coordinator |
| 2    | Completes EHA form and returns it to RMS Grant Coordinator.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Project Sponsor                                   |
| 3    | Reviews EHA form for completeness and compares it to Bureau of Remediation and Redevelopment (R&R) databases. If concerns arise, go to next step. Otherwise, skip to step 17.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | RMS Grant Coordinator                             |
| 4    | Notifies Regional NPS Coordinator of any concerns resulting from database search or Project Sponsor self-reporting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | RMS Grant Coordinator                             |
| 5    | Notifies Project Sponsor of the concern and that Dept. of Commerce and/or DNR R&R input will be requested. Discusses with Project Sponsor how the proximity of contamination (and whether its effects can or cannot be mitigated) impacts whether a grant can be issued or the offer of financial assistance might be withdrawn.<br><br>NOTE: At any point in the investigation process, Project Sponsor may withdraw the site from consideration and request a substitution to a different construction site. Established DNR substitution request protocol must be followed; see separate guidance on substitutions. Project Sponsor must submit written assurance that proposed project or proposed substitution will be constructed during the two-year life of the grant. | Regional NPS Coordinator                          |
| 6    | Notifies Regional NPS Coordinator of information obtained from Dept. of Commerce and/or DNR R&R regarding the need for a Phase 1 Environmental Assessment (EA) to determine presence or absence of a <b>recognized environmental condition</b> . If Phase 1 EA needed, go to next step. Otherwise, skip to step 17.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | RMS Grant Coordinator                             |
| 7    | Notifies Project Sponsor of the need to hire a consultant to conduct a Phase 1 EA to determine presence or absence of a <b>recognized environmental condition</b> . Also advises that the DNR RMS grant may pay a portion of the costs of a Phase 1 EA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Regional NPS Coordinator                          |
| 8    | After forwarding the Phase 1 EA determination, receives Dept. of Commerce's and/or DNR-R&R's recommendations regarding the need for Phase 2 EA. If Phase 2 EA needed (because a recognized environmental condition is discovered), go to next step. Otherwise, skip to step 17.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | RMS Grant Coordinator                             |
| 9    | Emails Project Sponsor (with a cc: to Regional NPS Coordinator and DNR Community Financial Assistance (CFA) Grant Manager) that a Phase 2 EA is needed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | RMS Grant Coordinator                             |
| 10   | Receives Phase 2 EA results from Project Sponsor to share with Dept. of Commerce and/or DNR R&R. If the presence of contaminants on the property                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RMS Grant Coordinator                             |

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	is identified, go to next step. Otherwise, skip to step 17.	
11	<p>Submits Phase 2 EA contamination results to DNR regional staff; DNR R&R staff determine whether the contaminants are at levels that require a Site Investigation per ch. NR 716, Wis. Adm. Code.</p> <p>NOTE #1: A Site Investigation under ch. NR 716 determines the degree, extent, and scope of contamination and establishes conditions for site clean-up and/or closure. (Project Sponsor pays fee for this review.)</p> <p>NOTE #2: Project Sponsors may request a formal written review of their Phase 2 EA contamination report if a \$500 written review fee is first paid to DNR-R&R Regional Hydrogeologist.</p>	Project Sponsor
12	Receives DNR R&R determination if Site Investigation under ch. NR 716 is needed. If ch. NR 716 Site Investigation is needed, go to next step. Otherwise, skip to step 17.	RMS Grant Coordinator
13	Hires consultant to conduct investigation to determine cleanup action (closure conditions could be determined as early as this step).	Project Sponsor
14	Submits Site Investigation results to DNR R&R for assistance with development of cleanup actions. (If requesting this assistance, Project Sponsor pays fee.)	Project Sponsor
15	Submits remediation actions options report and plan to regional DNR R&R for approval. (Project Sponsor pays fee for this review.)	Project Sponsor
16	Determines conditions that would lead to proper closure of the case. (Once DNR R&R closure conditions are established, project is eligible to continue or Project Sponsor may choose to re-submit application for grant funding in next grant cycle. Grant application postmark deadlines are April 15 of each year.)	DNR R&R staff
17	Counter-signs EHA form so that grant award process may continue.	RMS Grant Coordinator
18	Sends e-mail to Project Sponsor, with copy to Regional NPS Coordinator and CFA Grant Manager, indicating that no outstanding issues remain concerning project site.	RMS Grant Coordinator
19	Sends counter-signed original of completed EHA to CFA Grant Manager for official grant file.	RMS Grant Coordinator
20	Issues grant agreement to Project Sponsor for signature.	CFA Grant Manager